

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re AKORN, INC., <i>et al.</i> ¹ <div style="text-align: right;">Debtors</div>	Chapter 11 Case No. 20-11177 (KBO) (Jointly Administered)
<hr/> PROVEPHARM, INC., <div style="text-align: right;">Appellant,</div> <div style="text-align: center;">v.</div> AKORN, INC., <i>et al.</i> , <div style="text-align: right;">Appellees.</div>	Appeal from the Bankruptcy Court Civil Action No. 20-cv-1336 (MN) BAP No. 20-37

STIPULATED NOTICE OF DISMISSAL

The above-captioned post-effective date debtors (collectively, the “Debtors”) in these chapter 11 cases (the “Chapter 11 Cases”), DriveTrain LLC (the “Plan Administrator”) appointed as Plan Administrator pursuant to the *Modified Joint Chapter 11 Plan of Akorn, Inc. and its Debtor Affiliates* (the “Plan”) and Provepharm, Inc. (“Provepharm” and, together with the Debtors and the Plan Administrator, the “Parties”), by and through their respective counsel (undersigned attorneys), having settled this action, with bankruptcy court approval, pursuant to a Joint Stipulation, hereby agree to dismiss this appeal and counter appeals between the Parties with prejudice in accordance with Rule 8023 of the Federal Rules of Bankruptcy Procedure. This

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any are: Akorn, Inc. (7400); 10 Edison Street LLC (7890); 13 Edison Street LLC; Advanced Vision Research, Inc. (9046); Akorn (New Jersey), Inc. (1474); Akorn Animal Health, Inc. (6645); Akorn Ophthalmics, Inc. (6266); Akorn Sales, Inc. (7866); Clover Pharmaceuticals Corp. (3735); Covenant Pharma, Inc. (0115); Hi-Tech Pharmacal Co., Inc. (8720); Inspire Pharmaceuticals, Inc. (9022); Oak Pharmaceuticals, Inc. (6647); Olta Pharmaceuticals Corp. (3621); VersaPharm Incorporated (6739); VPI Holdings Corp. (6716); and VPI Holdings Sub, LLC. The location of the Debtors’ service address is: 1925 W. Field Court, Suite 300, Lake Forest, Illinois 60045.

Stipulated Notice of Dismissal applies to both the Notice of Appeal filed by Provepharm on October 1, 2020 (Civil Action No. 20-cv-1336 (MN), BAP No. 20-37, Bankr. Dkt No. 746)(“Provepharm’s Appeal”) and any counter appeal filed by the Debtors or the Plan Administrator related to Provepharm’s appeal.

This Notice of Dismissal DOES NOT APPLY to, Civil Action No. 20-cv-1254 (MN), BAP No. 20-29, which was part of the now consolidated appeal filed by Appellants 1199SEIU National Benefit Fund, 1199SEIU Greater New York Benefit Fund, 1199SEIU National Benefit Fund for Home Care Workers, and 1199SEIU Licensed Practical Nurses Welfare Fund, all of which are jointly administered health and welfare funds (together, “1199SEIU Benefit Funds”), AFSCME District Council 47 Health and Welfare Fund (“DC47 Fund”), and Sergeants Benevolent Association Health and Welfare Fund (“SBA Fund”) (collectively, “the Funds”).

The Parties further stipulate that each party shall bear its own costs and attorneys’ fees, except as may be otherwise provided in the Joint Stipulation.

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STIPULATED AND AGREED TO THIS 28 DAY OF DECEMBER, 2020:

/s/ Amanda R. Steele

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